

IN THE DISTRICT COURT OF ^ COUNTY, NEBRASKA

^,

Petitioner,

vs.

^,

Respondent.

Case No. ^

ORDER SETTING PRETRIAL CONFERENCE

The court ORDERS that a pretrial conference will be held on ^, at ^.m., or as soon thereafter as the same may be heard, in the District ^Judge's Chambers ^Courtroom of the ^ County Courthouse in ^, Nebraska, subject to the following:

1. **ATTORNEYS:** The parties shall be represented by their attorneys who shall conduct the trial, or by co-counsel with full case knowledge and authority to bind the clients by stipulation. **Any unrepresented (pro se) party must participate in the conference and perform all functions that would be performed by counsel for such party.** Such attorney or unrepresented party shall be prepared to:
 - A. Make disclosure of facts, admit and stipulate to facts and waive requirements for formal proof of documents.
 - B. If additional discovery is necessary, propose specific plans to schedule the same.
 - C. Discuss settlement, having knowledge of the position of their client, and, if possible, with authority to settle for a specific figure.
2. **DOCUMENTS TO PRESENT:** The attorney for each party shall come prepared with:
 - A. Witness List, containing the name and address of each witness.
 - B. Exhibit List, containing a list of all exhibits that the party expects to introduce at the trial, together with such exhibits so the same may be marked if it is advantageous to do so.
 - C. Joint Property Statement and Other Issues Lists. See paragraphs below.
 - D. Stipulations or Proposed Stipulations. See paragraph below.
3. **ASSIGNMENT TO TRIAL CALENDAR:** During the pretrial conference the Court will probably assign the matter for trial. The attorneys should therefore come with knowledge of their calendars, that of their clients and of important witnesses.
4. **FOUNDATION:** Specific objections to foundation for exhibits shall be raised by the parties at the pretrial conference, or the foundational objection shall be considered waived at time of trial. At the pretrial conference, exhibits will be classified into the following categories:
 - A. Category "A" exhibits will be those for which the parties waive all objections and stipulate that the same may be admitted without objection upon offer by either party.
 - B. Category "B" exhibits will be those for which the parties waive foundation and stipulate that the same may be admitted without foundation, but reserve any other objection to them.
 - C. Category "C" exhibits will be those for which no objections are waived, and to which specific

foundational objection(s) is/are asserted at the pretrial conference.

5. **STIPULATIONS:** The parties shall attempt to stipulate to all agreed facts in writing, which stipulation shall be submitted to the Court (**not** filed with the court clerk) at the pretrial conference. In the event that no facts can be stipulated to by the parties, the parties shall each submit separate proposed stipulations to the Court at the pretrial conference.
6. **TRIAL PROCEDURES:** At the final pretrial conference, trial procedures will be considered. In addition to any other matters which may be raised by the parties or counsel, the court will consider procedures regarding:
 - A. Requests for record of portion of trial for which no verbatim record is required by Supreme Court Rule 5A(1) of Practice and Procedure.
 - B. Any requests for sequestration of witnesses.
 - C. Procedures for use of any videotape depositions.
 - D. Procedures for requesting permission to approach witnesses or the official court reporter.
 - E. Use of formal titles to address counsel, parties, and witnesses.
 - F. Prohibition against entering judge's chambers ex parte during trial.
 - G. Itemizations of costs.
7. **ISSUES:**
 - A. **PROPERTY/DEBTS:** If division of property and/or debts is contested, the parties shall prepare and submit at the pretrial conference a Joint Property Statement.
 - (1) The statement shall be in the form set forth in "Attachment 1" to this order, which shall contain both parties' descriptions of all property in dispute, including, without limitation, each party's value thereof.
 - (2) The items of property described in the Joint Property Statement shall be grouped by category, and further information provided for each specific item as follows:
 - (a) Real Estate (for each parcel of real estate owned):
 - 1) Legal description;
 - 2) Mortgage or lien (Name and amount);
 - 3) Fair market value.
 - (b) Vehicles, including recreational vehicles or boats (For each vehicle):
 - 1) Year, make, and v.i.n.;
 - 2) Mortgage or lien (name and amount);
 - 3) Fair market value.
 - (c) Cash, Checking and Savings Accounts (for each account):
 - 1) Name of financial institution;
 - 2) How title held;
 - 3) Amount at time of filing of petition;
 - 4) Amount at time of pretrial.
 - (d) Stocks and Bonds (for each stock or bond held):
 - 1) Name and address;
 - 2) Description of the security;
 - 3) Value at time of filing of petition;
 - 4) Value at time of pretrial.
 - (e) Life Insurance (for each policy owned or held):

- 1) Name of company;
 - 2) Policy number;
 - 3) Cash surrender value, as close to date of pretrial as possible;
 - 4) Loan against policy (date and amount);
 - 5) Owner;
 - 6) Beneficiary.
- (f) Furniture and Personal Effects: List only items that are in dispute, or that are in possession of party not receiving item (description and value).
- (g) Other assets and property (description and value).
- (h) Indebtedness (for each creditor):
- 1) Name of creditor;
 - 2) Present amount of indebtedness;
 - 3) By whom incurred/when incurred/original amount;
 - 4) Purpose;
 - 5) Amount of installment.
- (i) Pension/Retirement Plans:
- 1) Name;
 - 2) Participant;
 - 3) Value at time of filing of petition;
 - 4) Value at time of pretrial.
- (j) Property brought into marriage, or received by gift or inheritance during marriage (description and value).
- B. ALIMONY: If alimony or spousal support is contested, each party shall prepare and submit at the pretrial conference a list of each factor the party maintains should be considered by the court in determining alimony, and with respect to each such factor, proposed specific findings of fact regarding the existence or nonexistence of such factor which the party expects to adduce in evidence at trial.
- C. CUSTODY: If child custody is in issue, each party shall prepare and submit at the pretrial conference a list of each factor the party maintains should be considered by the court in determining custody, and with respect to each such factor, proposed specific findings of fact regarding the existence or nonexistence of such factor which the party expects to adduce in evidence at trial.
- D. CHILD SUPPORT: If there are any minor children of the marriage, the parties shall prepare and submit at the pretrial conference detailed child support guideline calculations, including mathematical calculations used and the reasons for any proposed deviation from the guideline calculations, with 2 years' tax returns for each party and current payroll data. If the parties do not agree upon the calculations, each party shall submit separate calculations.
- E. SPECIFIC VISITATION: If specific child visitation conditions are requested by either party, each party shall prepare and submit at the pretrial conference any proposed deviations from the standard visitation schedule (Appendix "C") used in the Eighth Judicial District.
- F. OTHER REQUESTED RELIEF: If any other relief is requested by either party, including, but not limited to, attorneys' fees, costs, allocation of income tax child exemptions, child care expenses, health insurance, or allocation of unreimbursed health care expenses, each party shall prepare and submit at the pretrial conference a list of each factor the party maintains should be considered by the court in determining such item of relief, and with respect to each such factor, proposed specific findings of fact regarding the existence or nonexistence of such factor which the party expects to adduce in evidence at trial.

Signed in chambers at **Ainsworth**, Nebraska, on ^;
DEEMED ENTERED upon file stamp date by court clerk.
If checked, the court clerk shall:

BY THE COURT:

- ☒ Mail a copy of this order to all counsel of record and any pro se parties.
Done on _____, 20____ by _____.
- ☐ Note the decision on the trial docket as: [date of filing] **Signed “Order Setting Pretrial Conference” for** [date from order] **at** [time from order] **entered.**
Done on _____, 20____ by _____.
- ☐ Transcribe trial docket entry dictated in open court.
Done on _____, 20____ by _____.

William B. Cassel
District Judge

Mailed to:

JOINT PROPERTY STATEMENT

_____ v. _____ Case m CI ____ - _____

SUMMARY

A. Agreed Distribution of Assets:

Item	Husband's Value	Wife's Value
A.1. Property the Parties agree is to belong to the Wife :		
A.2. Property the Parties agree is to belong to the Husband :		

B. Property for which Distribution is Disputed:

Item	Husband's Value	Wife's Value
B.1. Wife's proposal to distribute to Husband		
B.2. Wife's proposal to distribute to Wife		
B.3. Husband's proposal to distribute to Husband		
B.4. Husband's proposal to distribute to Wife		

C. Debts

Item	Debt To be paid by Husband	Husband's Monthly Payment	Debt To be paid by Wife	Wife's Monthly Payment
C.1 Agreed Allocation of Debts				
C.2 Debts for which there is dispute on allocation				
C.3 Wife's proposal on Disputed Debts				
C.4 Husband's proposal on Disputed Debts				

Summary of Proposals:

	Wife's Proposal		Husband's Proposal	
	Husband	Wife	Husband	Wife
Distribution of Assets				
Debts to be Paid				
Net Property Distribution				

A.1. Property the Parties agree is to belong to the Wife:

Item Description. (Specific items shall be listed if not in Wife's possession.)	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line A.1)		

A.2. Property the Parties agree is to belong to the Husband:

Item Description. (Specific items shall be listed if not in Husband's possession.)	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line A.2)		

B. Property for which Distribution is Disputed:

Property Description	Nature of Dispute	Husband's Value	Wife's Value

B.1 Wife's Proposal of Disputed Property to go to Husband:

Item Description	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line B.1)		

B.2 Wife's Proposal of Disputed Property to go to Wife:

Item Description	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line B.2)		

B.3 Husband's Proposal of Disputed Property to go to Husband:

Item Description	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line B.3)		

B.4. Husband's Proposal of Disputed Property to go to Wife:

Item Description	Husband's Value	Wife's Value
TOTAL (List on Page 1, Line B.4)		

C.1. Allocation of Debts for which there is Agreement:

Description of Debt. (Specific items shall be listed.)	To be Paid by Husband	Husband's Monthly Payment	To be Paid by Wife	Wife's Monthly Payment
TOTAL (List on Page 1, Line C.1)				

C.2. Debts for which there is Dispute as to how much each party pays:

Debt Description	Nature of Dispute	Agreed Balance	Monthly Payment	If disputed, Husband's Balance	If disputed, Wife's Balance
TOTAL (List on Page 1, Line C.2)					

C.3. Wife's Proposal on Disputed Debts:

Debt Description	To be paid by Husband	Husband's Monthly Payment	To be paid by Wife	Wife's Monthly Payment
TOTAL (List on Page 1, Line C.3)				

C.4. Husband's Proposal on Disputed Debts:

Debt Description	To be paid by Husband	Husband's Monthly Payment	To be paid by Wife	Wife's Monthly Payment
TOTAL (List on Page 1, Line C.4)				

The undersigned acknowledge that:

1. The foregoing is a true and accurate statement of the agreements and disputes of the parties as they relate to the property belonging to the parties and the debts to which the parties are obligated.
2. The foregoing statement sets forth honest values of the property and debts in dispute.
3. After the final pretrial conference, there may be no changes to information appearing in this Joint Property Statement without the consent of the opposing party or leave of court.
4. Witnesses, exhibits or other evidence will not be permitted unless the property issue timely appears in this Joint Property Statement.
5. They have met and discussed the possibility of resolving their disputes over the allocation of property and debt and have been unable to do so in spite of good faith efforts to reach compromise.

Dated by Petitioner: _____

Petitioner

Petitioner's Counsel

Dated by Respondent: _____

Respondent

Respondent's Counsel